

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

RANDY RUSSELL,

Plaintiff,

vs.

CITY OF FAIRVIEW HEIGHTS,

Defendant.

Case No. 13-cv-403-JPG-DGW

**MEMORANDUM AND ORDER**

This matter comes before the Court on Defendant's motion for summary judgment (Doc. 17). Plaintiff's response was due on July 29, 2013. To date the Court has not received Plaintiff's response. Pursuant to Local Rule 7.1(c), the Court may, in its discretion, construe a party's failure to file a timely response as an admission of the merits of the motion. Local Rule 7.1(c). The Court hereby **ORDERS** Plaintiff to **SHOW CAUSE** on or before October 4, 2013, why the Court should not construe his failure to timely respond to the motion for summary judgment as an admission of the merits of the motion.

**IT IS SO ORDERED.**

**DATED:** September 24, 2013

s/ J. Phil Gilbert  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**